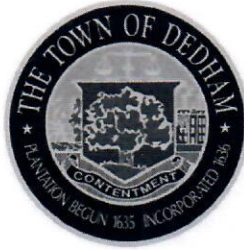


ZONING BOARD MEMBERS
JAMES F. McGRAIL, CHAIRMAN
J. GREGORY JACOBSEN, VICE CHAIRMAN
SCOTT M. STEEVES
E. PATRICK MAGUIRE, LEED AP
JASON L. MAMMONE, P.E.

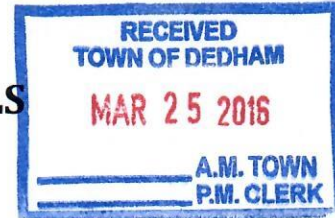
ASSOCIATE MEMBERS
JESSICA L. PORTER
JARED F. NOKES, J.D.



DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026-4458
PHONE 781-751-9242
FAX 781-751-9225

ADMINISTRATIVE ASSISTANT
SUSAN WEBSTER
swebster@dedham-ma.gov

TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION



APPLICANT/OWNER:	Robert and Lora Smid
PROJECT ADDRESS:	327 Cedar Street, Dedham, MA
CASE #	VAR-02-16-2070
MAP/LOT, ZONING DISTRICT:	154/79, Single Residence B
DATE OF APPLICATION:	February 12, 2016
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
PETITION:	To be allowed a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling.
SECTION OF ZONING BYLAW:	<i>Town of Dedham Sections 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.1 Table of Dimensional Requirements</i>
DATE FILED WITH TOWN CLERK:	March 25, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, March 16, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Member Scott M. Steeves was unable to attend the meeting, and Associate Members Jessica Porter and Jared Nokes were unavailable. There were only four members sitting at the meeting.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the

neighboring towns (Boston, Needham, Canton, and Westwood). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

At 7:08 p.m., the Chairman called for the hearing on the appeal of Robert and Lora Smid, 327 Cedar Street, Dedham, MA. The applicants seek to be allowed a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling. *Town of Dedham Sections 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.1 Table of Dimensional Requirements*

The subject property is known and numbered as 327 Cedar Street, Dedham, MA and is shown on Dedham Assessors' Map 154 Lot 79. The certified plot plan indicates that the Subject Property contains 15,517 square feet of land and has 75 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1940.

Only four members sat on this hearing, so the applicants needed a unanimous vote. The options of continuing with the hearing or continuing it to the next ZBA meeting were explained. The Smids elected to continue. Mr. Smid said his family needs extra space, and the most economical way to expand his existing nonconforming Cape-style house is to construct a full shed dormer. The lot is very narrow, so he will need a variance for a right side yard setback of 6.4 feet. A petition signed by three neighbors was submitted. Stephanie Tribuna and Steven Campbell, 333 Cedar Street, were present and expressed support for the petition. The Board had no questions. Mr. Maguire moved to approve a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling. Mr. Jacobsen seconded the motion. The vote was unanimous 4-0.

On a motion made by E. Patrick Maguire, LEED AP and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (4-0) to approve a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling.

The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not

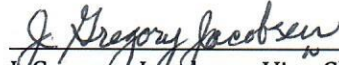
granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said variance, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant was advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until the Town Clerk certifies a copy of the decision stating that 20 days have elapsed since the decision was filed with that office, and that no appeal has been filed within such time. The decision must then be recorded in the Norfolk Registry of Deeds, or the land Registration Office of Norfolk County.

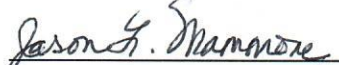
Dated: March 16, 2016

Attest, by the Zoning Board of Appeals:


James F. McGrail, Esq., Chairman


J. Gregory Jacobsen, Vice Chairman


E. Patrick Maguire, LEED AP[®]


Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:


Susan N. Webster

Materials Submitted:

- Zoning Board of Appeals application
- Certified plot plan prepared by Antonino Land Surveyors, Inc., 31 Ledgebrook Avenue, Stoughton, MA 02072
- Elevations prepared by Robert Lauricella, Architect, 260 Mt. Auburn Street, #1D, Watertown, MA 02472
- Photographs of existing conditions
- Petition statement signed by neighbors